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8 Attorneys for Plaintiffs,
9 ATLANTIC RECORDING CORPORATION; SONY
10 BMG MUSIC ENTERTAINMENT; BMG MUSIC; UMG
11 RECORDINGS, INC.; LAFACE RECORDS LLC; and
12 MOTOWN RECORD COMPANY, L.P.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 ATLANTIC RECORDING CORPORATION, a
17 Delaware corporation; SONY BMG MUSIC
18 ENTERTAINMENT, a Delaware general
19 partnership; BMG MUSIC, a New York general
20 partnership; UMG RECORDINGS, INC., a
21 Delaware corporation; LAFACE RECORDS
22 LLC, a Delaware limited liability company; and
23 MOTOWN RECORD COMPANY, L.P., a
24 California limited partnership,

25 Plaintiffs,

26 v.

27 ANDREW SUAREZ-LOPEZ,

28 Defendant.

CASE NO. C 08-01667-WHA

Honorable William H. Alsup

**DECLARATION OF DAWNIELL ALISE
ZAVALA IN SUPPORT OF CASE
MANAGEMENT STATEMENT**

Date of Initial CMC: July 3, 2008
Time: 11:00 a.m.
Courtroom: 9
Action Filed: March 27, 2007

DECLARATION OF DAWNIELL ALISE ZAVALA

I, Dawniell Alise Zavala, declare:

1. I am an associate in the law firm of Holme Roberts & Owen LLP ("HRO"). HRO serves as national counsel for Plaintiffs in this and all similar actions. I have personal knowledge of all facts set forth in this declaration, except as where stated on information and belief. As to such facts, I believe them to be true.

2. Filed herewith is Plaintiffs' separate Case Management Statement. For the reasons set forth below, Plaintiffs have been unable to meet and confer with Defendant and prepare a joint case management statement as ordinarily required by Local Rule 16-9(a).

3. Plaintiffs filed the Complaint for Copyright Infringement against Defendant John Doe ("Defendant") on March 27, 2008. Plaintiffs did not have sufficient identifying information to name the Defendant individually in the Complaint, but were able to identify Defendant by the Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

4. In order to determine Defendant's true identity, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery on March 27, 2008, seeking the Court's permission to serve a Rule 45 subpoena on the ISP. The Court entered an Order for Leave to Take Immediate Discovery on April 24, 2008, granting Plaintiffs' request to serve a Rule 45 subpoena on the ISP seeking identifying information including Defendant's true name, address, telephone number, e-mail address, and Media Access Control ("MAC") address.

5. Plaintiffs served their subpoena on the ISP on May 12, 2008. The ISP responded to the subpoena on June 11, 2008, identifying Defendant Andrew Suarez-Lopez as the holder of the particular IP address at issue on the particular date at issue.

6. After informal attempts to resolve the dispute failed, Plaintiffs filed their First Amended Complaint against Mr. Suarez-Lopez for copyright infringement. Defendant was recently served with process on June 19, 2008, and he has not yet filed an answer or otherwise appeared in this action. Moreover, despite sending Defendant a letter via U.S. mail and email on June 19, 2008 urging him to meet and confer with Plaintiffs to set a case management schedule, Defendant has failed to respond and discuss this matter further with Plaintiffs. Thus, Plaintiffs were unable to meet

1 and confer with Defendant regarding the subjects covered in the Standing Order for All Judges of the
2 Northern District of California – Contents of Joint Case Management Statement.

3
4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed this 26th day of June, 2008, at San Francisco, California.

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9 Dawniell Alise Zavala

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DECLARATION OF DAWNIELL ALISE ZAVALA IN SUPPORT OF CASE MANAGEMENT STATEMENT

Case No. C 08-01667-WHA

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